

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:21-mc-51433

District Judge Nancy G. Edmunds

Magistrate Judge Kimberly G. Altman

JYDE ADELAKUN,

Defendant.

And

OYENIRAN A. OYEWALE,

Interested Party.

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**REPORT AND RECOMMENDATION ON MOTION FOR ORDERS TO
CONSOLIDATE, QUASH, IMPEACH, SET ASIDE, AND/OR DISMISS ALL
COMPLAINTS AND WARRANTS¹
(ECF No. 1)**

I. Introduction

On November 18, 2021, a motion was filed styled “Motion for Order(s) to Consolidate, Quash, Impeach, and or Vacate and or Set Aside and or Dismiss all Complaints, and Warrants” (Motion to Consolidate/Dismiss) by Oyeniran A.

¹ Upon review of the papers, the Court deems this matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f)(2).

Oyewale (Oyewale) as an “Interested Party.” (ECF No. 1). The motion was referred to the undersigned. (ECF No. 2). Oyewale seeks to “consolidate and impeach and or set aside and or vacate and or dismiss the the [sic] complaints, warrants (void order) granted by this court in the instant and all case(s) related.” (ECF No. 1, PageID.1). It appears that the primary “related” case is 21-mj-30135, *United States v. Adelakun*.

The government has filed a response to the motion, arguing that the motion should be denied. (ECF No. 6). For the reasons that follow, the undersigned RECOMMENDS that the motion be DENIED.

II. Discussion

Putting aside that Oyewale is not a named defendant in the criminal action, the complaint in *United States v. Adelakun*, 20-mj-30135 has been dismissed without prejudice. *See* ECF No. 37 in case no. 20-mj-30135. The dismissal of the complaint renders Oyewale’s request to consolidate and dismiss the criminal complaint moot.

Additionally, as the government notes in its response, Oyewale’s arguments as to warrants appear to be related to an ongoing civil forfeiture action, *United States v. Two Hundred Seventy-Two Thousand, Nineteen Dollars and Sixteen Cents (\$272,019.16) in funds from Citizens Bank Account: 15237788 in the name of Oyeniran A. Oyewale and Olubunmi Oyewale; and One Hundred Thirty-Seven*

Thousand, One Hundred Sixty-Two Dollars and Seven Cents (\$137,162.07) in funds from Citizens Bank Account: 23715138 in the name of For His Glory Project DBF Oyeniran A. Oyewale, Defendants in rem, 19-cv-12313. Motions have been filed in the civil forfeiture action which raise the same arguments Oyewale makes here. See ECF No. 16, 19, 21 in 19-cv-12313. To litigate these matters within the confines of this action would be a waste of judicial resources in light of the pending civil forfeiture action and dismissal of the criminal complaint.

III. Conclusion

Accordingly, for the reasons stated above, the undersigned RECOMMENDS that the Motion to Consolidate/Dismiss be DENIED and this matter be CLOSED.

Dated: January 7, 2022
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

NOTICE TO PARTIES REGARDING OBJECTIONS

The parties to this action may object to and seek review of this Report and Recommendation. Any objections must be filed within 14 days of service, as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 144 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991). Filing objections that raise some issues but fail to raise others with specificity will not preserve all the objections a

party might have to this Report and Recommendation. *Willis v. Sec’y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Under Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Any objections must be labeled as “Objection No. 1,” and “Objection No. 2,” etc. Any objection must recite precisely the provision of this Report and Recommendation to which it pertains. Not later than 14 days after service of an objection, the opposing party may file a concise response proportionate to the objections in length and complexity. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). The response must specifically address each issue raised in the objections, in the same order, and labeled as “Response to Objection No. 1,” “Response to Objection No. 2,” etc. If the court determines that any objections are without merit, it may rule without awaiting the response.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 7, 2022.

s/Carolyn Ciesla
CAROLYN CIESLA
Case Manager